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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,534	10/30/2003	Steve J. Shattil	27592-00404-US3	7591
30678 7590 08/04/2009 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER				
KIM, KEVIN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/697,534

Applicant(s)

SHATTIL, STEVE J.

Examiner

Kevin Y. Kim

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed April 14, 2009, with respect to the rejection(s) of claim(s) 1-15 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Agee et al (US 6,359,923).

Applicant argues that the Kasapi patent fails to teach the claimed feature of the CI coder adapted to provide subcarrier weights, since in that patents weights are applied to subcarriers and not provided by an encoder. Upon a review, examiner agrees with applicant's reading of the patent. A newly found prior art, Agee et al (US 6,359,923), is believed to teach this particular feature of the invention, as set forth below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4,6,9-12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegandt et al in view of Agee et al (US 6,359,923).

Claim 1.

Wiegandt et al discloses in a carrier Interferometry (CI) transmitter:

a CI coder adapted to encode at least one data sequence (K^{th} bit) onto a CI code ($i\Delta\theta_k$) to produce at least one data-bearing code vector, and

a (OFDM) modulator adapted to modulate the at least one data-bearing code vector onto a plurality of subcarriers.

See Fig 2 (a) and (b), and page 661, first paragraph.

Wiegandt et al is silent on the coder for adjusting subcarrier weights.

Agee et al teaches a multicarrier communication where an encoder (1012) is adapted to further provide weights (1013) to the encoded data to increase bandwidth efficiency. See Fig. 8 and col. 15:55-66 in particular.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to adapt the CI coder of Wiegandt et al to provide weights to the code vectors for the purpose of increasing bandwidth efficiency as taught by Agee et al.

Claims 2 and 3.

OFDM modulators includes an IFFT which reads on “an invertible transform module.”

See US patent 6,549,566 teaching an IFFT in an OFDM system for an example. In other words, in order to generate a plurality of subcarriers such as shown in Fig.2b of Wiegandt et al, an IFFT is commonly used.

Claim 4.

Agee et al teaches applying spreading codes to the encoded data generated by an encoder.

Claim 6.

Applying a spreading code is considered a channel coding.

Claims 9-12,14

Although Wiegandt et al does not describe a CI receiver, an OFDM demodulator and a CI decoder corresponding to the OFDM modulator and CI coder, as modified by Agee et al's teaching as explained above, would have been obvious by reversing the modulation and coding processes, as is commonly done in a communication system.

4. Claims 5,7,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegandt in view of Agee et al, as applied to claims 1 and 6 above and further in view of Steer et al (US 2003/0103445).

Claims 5 and 13.

Steer et al teaches compensating frequency variation of the subcarriers in a DMT system for symbol timing and frequency control. See paragraph [0074]. Thus, it would have been obvious to one skilled in the art at the time the invention was made to compensate the frequency shift in Wiegandt et al as taught by Steer et al.

Claim 7.

Wiegandt in combination with Agee et al discloses all the subject matter claimed except that at least one of the modulator and the CI coder is adapted to dynamically allocate subcarriers for at least one communication link.

Steer et al teaches dynamically allocating the subcarriers of OFDM to better accommodate the traffic requirements. See paragraph [0047].

Thus, it would have been obvious to one skilled in the art at the time the invention was made to adapt the OFDM modulator to dynamically allocate subcarriers for at least one communication link for the purpose of better accommodating the traffic requirements, as taught by Steer et al.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegandt et al in view of Agee et al as applied to claims 1 and 9 above respectfully as applied to claim 9 above, and further in view of Kadous (US 6,801,580).

Kadous teaches a successive interference cancellation in a multicarrier system. See col.5:17-24. Thus, it would have been obvious to further modify the receiver of Wiegandt et al, as modified by Agee et al, to adapt the demodulator to include a successive interference cancellation as taught by Kadous.

Allowable Subject Matter

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Y Kim/
Primary Examiner, Art Unit 2611